IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

S.B. Criminal Revision Petition No.194/2006.
(Bhanwar Lal Vs. State of Rajasthan & Anr.)

DATE OF ORDER : April 18th , 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. Rakesh Arora for the petitioner.
Mr. S.N. Tiwari, P.P.

BY THE COURT :

By this petition, the petitioner is challenging the order dated 24.02.2006 whereby the learned Sessions Judge, Jodhpur allowed the the bail appeal under Section 52, Juvenile Justice Act, filed against the order of the learned Chief Judl. Magistrate, Jodhpur.

Vide the impugned order, the learned appellate Court

granted bail to the non-petitioner No.2 Gopal Singh, who was juvenile at the time of commission of the offence, following the judgment of this Court reported in 1989 Cr.L.R. (Raj.) 560, Rajesh Kumar Vs. State of Rajasthan.

The complainant petitioner has challenged the above order on the ground that the case was of serious nature and the learned Sessions Judge without considering the evidence on record simply proceeded on the basis that at the time of the commission of the offence non-petitioner No.2 was juvenile whereas he ought to have considered the gravity of the offence in the present case wherein capital punishment is provided for the alleged offence. According to the pretitioner, the learned Sessions Judge has committed error in granting bail to the non-petitioner No.2.

By way of filing S.B. Criminal Revision Petition No.137/2006, decided on 29.03.2007, the complainant petitioner challenged the order passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Balotra, wherein the impugned order dated 18.01.2006 was upheld and it was held that at the time of the commission of the offence non-petitioner No.2 was juvenile. Admittedly, non-petitioner No.2 is facing trial before the Juvenile Justice Board, Jodhpur. In the facts and circumstances of the case, I see no reason to interfere with the

order dated 24.02.2006 passed by the Sessions Judge, Jodhpur in the Criminal (Bail) Appeal.

Consequently, the revision petition is dismissed.

(Gopal Krishan Vyas) J.